

**PLANNING & ZONING COMMISSION
MEETING
MAY 23, 2006**

Present:

Sarah Murphy, Chairman
Bill Talley – Vice Chairman
Kevin Bittinger
Derryll Anderson
Allan Feldman

Call to Order

Chairman Murphy called the May 23, 2006 meeting to order. The first item on the agenda was approval of two sets of minutes from the April 25, 2006 meeting and from May 09, 2006 called meeting. There were no changes.

Chairman Murphy called for a motion on the April 25, 2006 meeting minutes.

Motion: Commissioner Bittinger motioned to approve the minutes of April 25, 2006 meeting.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the May 09, 2006 called meeting minutes.

Motion: Vice-Chairman Talley motioned to approve the minutes of May 09, 2006 called meeting.

Second: Commissioner Bittinger seconded the motion.

Vote: Unanimous

Motion carried

Recognition and Presentation

Chairman Murphy stated that before they go into the new business the commission has a special agenda item that they would like to discuss. She called on Mayor Pro Tem and Council member Mr. Wilson Price to address the commission.

Pro Tem Mr. Wilson Price stated that the City liked to recognize people when they make a contribution to the City of Fayetteville. Mr. Kevin Bittinger is moving out of this fine City of Fayetteville and he would like to present Commissioner Bittinger with a plaque. Mr. Price read the inscription on the plaque: "Presented in appreciation to Kevin Bittinger by the Mayor and City Council for outstanding and dedicated service to the City of Fayetteville while serving on the Planning and

Zoning Commission from April 27, 1993 to May 23, 2006 presented this day "May 23, 2006". He thanked Mr. Bittinger for his many years of service to the City of Fayetteville.

Chairman Murphy added that Mr. Bittinger is moving outside the City limits and that is the reason for his leaving the commission. She added that she would like to echo Mr. Price's comments on behalf of the Planning and Zoning Commission and stated how much they enjoyed working with Mr. Bittinger and that he will be missed. She also added that Mr. Bittinger was a seasoned veteran when she came on board, and she has learnt a lot from him over the years.

Commissioner Bittinger thanked the Mayor and City Council, Planning Commission and City staff; he said it has been quite an honor to serve. It was very exiting and he looks forward to seeing the City of Fayetteville continue to grow.

Target, 107 Pavilion Parkway – Revised Development Plans & Variance from (Sec. 94-483) – File # 94-039.04

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to expand the Target Store. The existing store is approximately 116,000 square feet in gross floor area, and the applicant is proposing to add approximately 9,000 square feet that would be used primary for office use. The expanded area would be constructed on the front of the store and that would push the front of the building approximately 25 feet into the drive area. The work would consist of reconfiguring the drive aisle and removing some of the parking. Two lighting fixtures would be relocated to other locations on site. The drive aisle would be paved to allow for heavy duty paving and the creation of plaza space. Mr. Gunn added that the applicant proposes to eliminate parking near the east side of the building to concrete paving and a regular asphalt paving. Mr. Gunn added that at the work session several issues were brought up and the applicant was asked to get letters from the neighboring stores stating that they did not have a problem with the expansion. The applicant was asked to inform the property owner and get a letter from the owner regarding the work that was going to be done on this site. The applicant sent us a letter asking to table this project until June meeting so they could have more time to get that information. Staff recommended that this project be tabled.

Chairman Murphy called on the applicant. The applicant was not present. She called for public comments. There were none. She then called on the commissioners. No comments from the commissioners.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Talley move to table the revised development plans and variance for Target Stores until the June 2006 meeting.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Carver Street, 110 Carver Street – Preliminary Plat & Variance from (Sec. 94-227) – File # 06-009

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct two new residential homes in the Church Street community. There is an existing house on the property that would be removed as a part of this project. He said that the homes would share a drive onto Carver Street and landscaping along the perimeter would be added. This is an older site and placement of newer homes on the site is constrained by the physical size of the property. Mr. Gunn added that the way this is presented it would extend a non-conforming use. We are trying to accommodate the project without expanding the non-conforming use, and don't know if that issue is worked out yet. Mr. Gunn added that at the work session it was mentioned that the applicant needed to apply for front and rear yard setback variances that had to be advertised. Mr. Gunn said that he spoke to the City Attorney regarding this project because the commission had a legal concern about approving a preliminary plat where a sub-standard lot is being divided into two more significantly sub-standard lots; and the commission wanted to know if it has enough flexibility to approve a redevelopment project like this without exceeding any limitation on the commission's authority. Mr. Gunn said that the City Attorneys' advice was to approach this in a different manor instead of granting variances. Staff came up with an idea of doing a redevelopment plan for the entire area rather than for this individual site. If we approach the entire area in the redevelopment plan, which could allow us to relax some of the setbacks or whatever else needs to bring the site in conformance without ordinances. Staff recommended that this project be tabled until this we work out the details on how we are going to approach this site.

Commissioner Feldman asked what kind of a time-frame Mr. Gunn was talking about as far as the redevelopment plan.

Mr. Gunn said that he could not put a time-frame at this time because the idea just came up while talking to the City Attorney and he was more in favor for the redevelopment plan rather than the variances.

Chairman Murphy said that this is a preliminary plat and the lot sizes do not meet the requirements of the ordinance for the minimum lot sizes in that zoning district. She said she had communicated with Mr. Gunn about the possibility that, since the Planning and Zoning Commission has the authority to grant a variance on the yard size requirement, which might be the way they should go. With a variance issue, they have some flexibility to look at the special circumstances concerning that piece of property. Chairman Murphy said that they could make some judgment calls on whether or not a variance for yard size is appropriate. Unfortunately, the City Attorney is afraid that, with that type of variance for yard size, the commission would have some difficulty in making a legal distinction between this property and parcels that may come up and present a less desirable infill development. Because of

these concerns, that is the reason the City wants to take more time to study the issues.

Commissioner Feldman said for every problem there is a solution, and he did not have a problem with this project and the applicant would like to proceed with this project and to do a study on this area would take a long time.

Chairman Murphy added that this preliminary plat does not meet the requirements of the ordinance and she cannot see how the commission could approve this project without there being some mechanism for at least a variance.

Commissioner Feldman added that there is the redevelopment ordinance that was done for Jeff Davis Intown project; the only thing he sees is the size of the development that is holding this project up.

Chairman Murphy said that it took a long time before the redevelopment plan for the Jeff Davis Intown was in place.

Commissioner Feldman said that it would only be to change the wording.

Commissioner Anderson added that a variance was approved for Square Foot Ministry.

Chairman Murphy added it was for setback and that was not making two lots out of one.

Chairman Murphy called on the applicant.

Mr. Randy Chancey represented this project. He said he understood what the commissioners are saying and is not asking them to break any rules but he is on a timeline. If they decide to go with the redevelopment plan then he would have to drop the idea because he would have to continue to put money into this project and have it sitting there. He quite understands what the problem is, and did not want anyone to break the rules because of this site.

Vice-Chairman Talley said that he quite agreed with Commissioner Feldman. He added that at the retreat infill was the big thing and the ordinance is not ready for it. He also agrees with the applicant that if this does not go through tonight then he would have no choice but to walk away.

Commissioner Andersons said that almost all of the lots on Church Street are non-confirming.

Chairman Murphy asked about the variances on the rear and front setbacks.

Mr. Gunn said that it would be on the June's agenda because it had to be advertised.

There were some more discussions on this property.

Chairman Murphy called for public comments. No public comments were given.

Chairman Murphy called for a motion on the side yard setback (Sec. 94-227).

Motion: Commissioner Feldman motioned to approve the side yard setback (Sec. 94-227).

Second: Vice-Chairman Talley seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the preliminary plat.

Motion: Commissioner Feldman motioned to approve the preliminary plat conditioned upon the other variances on the front and rear being approved.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried

Donald Peacock, 325 Industrial Way – Revised Development Plans
File # 06-012

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to add a work bay onto the existing building located at the rear of Industrial Way. The applicant had begun work when one of the City's inspectors stopped work because they did not have a building permit. The addition area would match the building and is not detrimental to the neighboring properties and does not encroach on any setback requirements. This is an older building and property used for industrial use and is appropriate for this area. The new bay will allow the applicant to continue to expand his business on the existing property. Staff recommended approval.

Chairman Murphy called on the applicant for further information.

The applicant did not have any comments.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. No comments from the commissioners.

Chairman Murphy called for a motion.

Motion: Commissioner Feldman motioned to approve revised development plans for 325 Industrial Way.
Second: Commissioner Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Amendment to the traffic & vehicles ordinance (Sec. 82-260 through Sec. 82-267) to address Golf Cart

Chairman Murphy called on the staff for an update. Mr. Gunn stated that there were no changes because this was hashed out at several work sessions and meetings and at the Planning and Zoning Commission's retreat. He asked if an older person do not have a driver's license should they be able to drive a golf cart. Staff did not see any other changes and recommended approval.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Chairman Murphy called for a motion.

Motion: Commissioner Bittinger motioned to approve the amendment to the traffic & vehicles ordinance (Sec. 82-260 through Sec. 82-267) to address Golf Cart
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Amendment to the zoning ordinance (Sec. 94-285) to address Tractor Trailer parking for commercial uses

Chairman Murphy called on staff for any update on this ordinance. Mr. Gunn said that this was another ordinance that was discussed several times and staff did eliminate all of the reference to tractor trailer and semi trailer. Staff did not have any other changes and recommended approval.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Chairman Murphy called for a motion.

Motion: Commissioner Biting motioned to approve the amendment to the zoning ordinance (Sec. 94-285)
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Staff Reports

Mr. Gunn said that the replacement for Mr. Crain would be on board next month and we would have a senior planner. He invite the commissioners to the employees appreciation picnic which would be on Wednesday 24, 2006 from 1100 am to 1:30 pm. He said that staff would be having the comprehensive plan project team meeting on June 13, 2006 at 8:00 am in the morning and the stakeholder on June 20, 2006. He added that if any of the commissioners has changes to let him know.

Chairman Murphy asked if anyone had anything to discuss with the Commission.

No one came forward.

Chairman Murphy called for a motion to adjourn.

Motion: Vice-Chairman Talley motioned adjourn the May 23, 2006 meeting.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Meeting was adjourned.

Respectfully Submitted,

Bibi Alli
Staff Assistant